

## **REMARKS**

### **I. Status of Claims**

After the above amendment, claims 1-13 and 15-20 are pending in the application. Claims 15-20 were withdrawn by the Examiner pursuant to a restriction requirement.

By this response, claim 1 is amended in accordance with the suggested language presented in the Advisory Action. Claim 1 is the only independent claim presently under consideration (following the restriction requirement).

Claims 1-13 stand rejected under 35 U.S.C. 112, first paragraph, because the specification allegedly does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate with the scope of the claims.

Claims 1-13 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Hamada et al. (JP2001-357869) (hereinafter "Hamada"). Claims 1-9 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Sakai et al. (JP63-119166) (hereinafter "Sakai").

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

### **II. 35 U.S.C. 112, first paragraph, Rejections**

In light of the above-identified amendments, which were made in accordance with the suggestions set forth by the Examiner in the Advisory Action, the Applicant respectfully requests withdrawal of this rejection.

### **III. Pending Claims are Patentable over Hamada and Sakai**

Claim 1, the only independent claim presently under consideration, stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by both Hamada and Sakai.

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, "...a fuel cell stack formed by stacking a plurality of cell blocks, at least

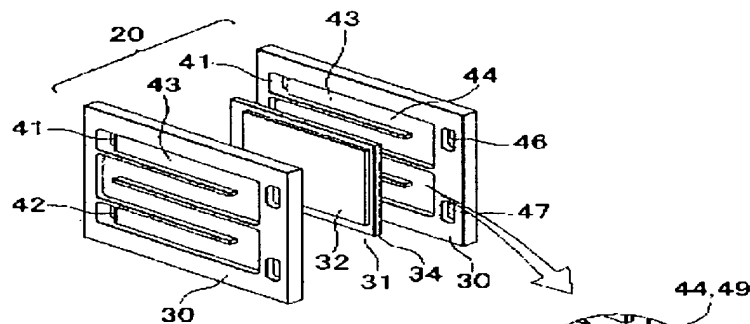
two of the cell blocks having different characteristics, each cell of the cell blocks having at least one separator including a plurality of grooves that form a gas passage of the separator and a plurality of ribs that are provided between the grooves, wherein a pitch between the ribs of one cell block is different from a pitch between the ribs of another cell block.” (emphasis added)

The Applicant respectfully submits that neither Hamada nor Sakai disclose a separator having ribs that are formed along a groove of a gas passage of the separator. Furthermore, neither reference discloses a pitch between the ribs of one cell unit being different from a pitch between the ribs of another cell block.

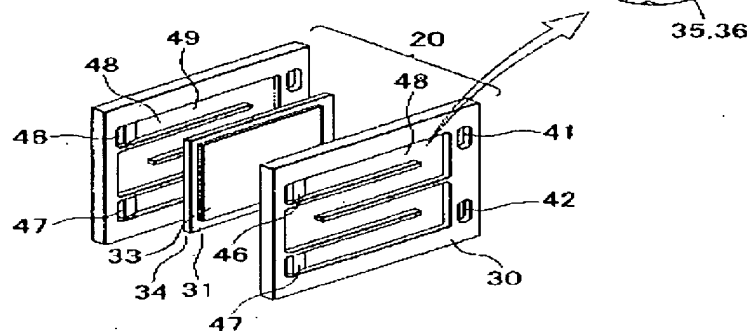
As noted herein above (and as shown in FIGS. 3A and 3B provided herein below), claim 1 requires “... a plurality of ribs (35, 36) that are provided between the grooves, wherein a pitch between the ribs of one cell block is different from a pitch between the ribs of another cell block.”



**FIG. 3A**



**FIG. 3B**



As discussed in paragraph [0027] of the application as published, the separator 30b of the cell 20b, in which the pressure loss is small, the ribs 35, 36 in the concave groove 43 and the concave groove 48 are formed to be slightly smaller than those in the separator 30 of the normal cell 20. In other words, a cross sectional area of each of the ribs 35, 36 is formed to be smaller such that a pitch between the ribs 35, 36 is larger. Since the ribs 35, 36 in the cell 20b are formed in this manner, substantial spaces of gas paths, through which the gases actually pass, are increased in the oxidizing gas passage 44 and the fuel gas passage 49, whereby the pressure loss becomes smaller than that in the cell 20.

Both the "Claim Rejections -35 USC § 102" and "Response to Arguments" sections of the Office Action do not appear to address this claim language. For example, when describing both Hamada and Sakai, the Office Action fails to mention where "ribs" and "pitch" can be found in either reference, such as by providing a reference numeral and/or cited portion of the

abstract, specification, claims, and/or drawings. Therefore, the Applicant respectfully submits that it is unclear how either reference anticipates Applicant's claim 1.

Further, lacking any teaching and/or suggestion of each and every limitation of Applicant's claims, the Applicant respectfully submits that claim 1, as well as its dependent claims, are patentable over the cited references.

**IV. Conclusion**

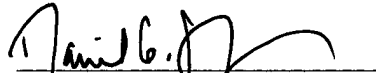
In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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